

PUBLICANUS VINDICATUS:

O R,

A short Narrative of the Occasion and
Obstruction in the payment of the late Kings

Debts, contracted upon the Customes ;

Together, with his owne unhappy
condition by reason thereof,

Written for publick satisfaction, but more par-
ticularly for the Creditors, to whom it is dedi-
cated, this ANNO 1654.

B Y

Sir JOHN JACOB, *Knight*.

Cuiq; sua est Tempestas, & Tempus, Eccles. 3. 1.



LONDON,
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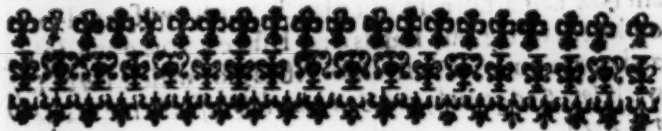
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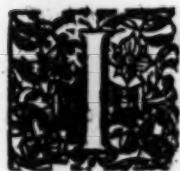
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Publicanus Vindicatus.



It is excellently said by that Roman, and famous Historian, *Temporibus, (quibus Tacitus, sinistra erga eminentes interpretatio) nec minus periculum ex magnâ famâ, quam ex malâ.* To be thought rich, was I hope my greatest Crime, and now to be thought poore, is my greatest Labour.

History is *memoria prateritorum, conjectura futurorum.* I could tell you a long story, but this will be short, though sad; here will be no admiration of our change, there is nothing new under the Sun: yet take all circumstances, I beleieve Time will be silenced to paralell such novelties, since the Sun shined. Our sinnes certainly were beyond all Nations, and so our punishments, because we were more indebted to God then all Nations: *Peccati vecchi, penitenza nuova; and nimia felicitas, causa calamitatis.* I confesse, I looked for a storme, I saw the clouds gather with some ill prognosticks, but I little dreamt of a deluge, judging like a man, and too much trusting to my owne imaginations. For which, with glory to God, I must say, that his wayes are like a Ship in the Ocean, and mine full of vanity, and vexation of spirit,

having been in the midst of these waves these thirteen yeares, attending all powers, factions, and alterations, and am now cast ashore upon a planck, with a wife, and nine children, to see our Lands, and Estates, torne and sold, and our reputation lost, and vilified; for which I will say with *Iob*, *God giveth, and God taketh, blessed be the Name of the Lord.*

To give you the relation of our Farmes, the severall Grants, with the legalities of part of them, the illegalities of other part, the great Loanes, and advancements of money, the vastnesse of our Credits; *qua vel meminisse, nocuit*, it would make the porch bigger then the house, and so injure your expectation.

The fatall Parliament called in *November 1640*, falling into unhappy distempers, and wanting money for the worke they had cut out; after they had sate a few moneths, questioned the Farmers for intermeddling, farming, and receiving the Customs, and Imposts, contrary (as they said) to Law, contrary to a Declaration, & Vote, *tertio Caroli*, and contrary to the Liberry of the Subject; They, being threatned, and timorous, sell presently under the rest, durst not grapple, the Waves beating high, therefore they thought it safest to make a Port, and to agree betimes with an angry State; and finding it folly to dispute their assertions, though there was no Law to prohibit the Receipt, or Farming of the Customes, nor any Vote passed *tertio Caroli* against it, yet they confessed themselves guilty, and hastened by some pretended friends in the House, they suddenly submitted to a composition of one hundred sixty five thousand pounds, besides some other summes challenged before *tertio Caroli*, upon the guilt of the same crime. One hundred and fifty thou-

thousand pounds of this was charged among those that were called the old Farmers; *viz.* Sir Paul Pindar, Sir John Wolstenholme dead, Sir Abraham Dawes dead also, and Sir John Jacob, and their Partners. The other fifteen thousand pounds was charged upon the then Farmers, *viz.* Sir John Jacob, Sir Thomas Dawes (who succeeded his Father) Sir Job Harvey, Sir Nicholas Crisp, and Sir John Nulls, and their Partners; unto whom, by new propositions for the Contract, newly made for foure yeares of the said Customes, from Christmas 1640, and the Lady day 1641, were to be joyned Sir Paul Pindar, and Sir John Harrison, and the Lord Goring, would also be one, though little to their advantage.

Whiles these things were agitated, the Farmers continued their said new Contract, paid, and received divers summes of money, and that by Licence, and Order of Parliament, little dreaming, that, being so highly to expiate their crime, and that for such service as the payment of two Armies, they should so suddenly be removed from that hold, which was the Anchor of their safety in so great a storme.

But the next day, that the Composition was reported, the said Contract was voted void, all Assignments upon the Rents were made null, and the Customs diverted to such uses, as the Parliament should appoint, and because there then appeared none more able to serve them, in this designe; in stead of Farmers most of them were made Commissioners, and so continued during the seven Acts of Tonnage and Poundage, passed in the compasse of thirteen months.

Then the late King unhappily deserted his Parliament, which began many thoughts of alterations, but the Parliament, resolving not to spare this Revenue, commanded still the same Farmers to continue their employment, and passed severall Ordinances with indemnities for them, against the Law lately passed by themselves, wherein the penalty was a *premunire* at the least, for receiving the Customes without a Law; so were they commanded to fall into the same error, for which they were by the same men so severely punished: So crimes even have their times, & seasons. But they knew no fence against that Command, besides they were ambitious of their favour, who at first set so deep a mark of hatred, for then a Customer was worse then a Publican, nay, *tanquam à iudeis peccatores omnium vilissimè*, though I could have told them that among the Romans, they had a better reputation. My Author calls them, *Equitum primores, Civitatis ornamentum, Reipublica firmamentum, qui Publicanorum ordine continentur*: But obedience was better then sacrifice, yet we sacrificed for our obedience, and paid the said Composition in the space of two moneths for the payment of the Armies aforesaid.

Cicero.

During these payments we were not only employed, but were also much encouraged, and caressed by many of the Parliament, with assurances of all just favours, in any thing that might concerne us; and of this we began to stand in need, for the blow struck so deep into our Estates, and Credits, that we began to sinke before we were halfe way over, and that because publick notice was taken, that our Grants of the
Con-

Contracts were dissolved, and no reparation ordered for the Kings debts, that were contracted thereupon : This begat presently a Petition to the House in June 1641, wherein we shewed, how our Credit was blasted, without some sudden influence of their favour, and that without some present ease of the satisfaction of the said Debts, our burden was beyond our strength, so farre, that we were not able to performe the Composition agreed on, to which the House immediately answered, That they would take into consideration the said Debts in due time ; This had that spirit in the multitude, that like hot water, it gave life to our credit, and so we compassed the payment of the said Composition in the time aforesaid.

This was paid among us, partly in money brought in, and partly by credit, and because I am not to end this History without the ballance of my owne Accompt, I will here declare my share to amount unto

l. s. d.

————— 30064 ——— 10 ——— 10
Of this I discharged in money and Bonds 15000 li. the rest was then in Sir Paul Pindar's hands, we all intending to finish the Accompt with all possible speed.

But the distempers continuing in severall fits of good, and bad dayes, It, at last brake out into such a Fever, that Factions, and ambitions began to boyle in most mens veines, and even among our selves ; Sir John Wallhouseholme leads to the Royall party, Sir Nicholas Crisp followes, and Sir John Harrison staves little after, nay divers of our Creditors left their Debtors,

tors, and went also the same way; Sir Paul Pindar, and my selfe, with some others of us, staid here, in obedience to the Parliament, where for the space of divers yeares the Debts were not so much as demanded, nor interest asked, nay they that have since been violent, if not ingratull prosecutors, durst not so much as owne their Debts, much lesse demand their satisfaction, being in danger to be lost for their Delinquency, had not the fidelity of the Farmers preserved them, for which they are not well rewarded. I have been the more particular in this digression, because it was a consequence of the first, & is yet like a fester'd wound, not cured, but rather by the accidents of times, neglects of opportunities, and too much trust in men living, and dead, likely to turne into a dangerous gangrene, to the ruine of us that survive to answer the Law, when we can have none from those that are dead : Considerations little thought of by men in our times, who take hold of the *summum Ius* of our Law, but little thinke of that *summum Bonum* of Christian pittie, and charity, due to Brethren that fall in a common calamity. But now I crave leave to proceed to that part of the Kings Debts, the greatest occasion of your present trouble.

These Debts contracted upon the Farmes aforesaid, nulled by the Parliament, might then amount unto 200000 £, whereof in money about 118000 £ and by one Assignment to the East India Company, for Pepper, about 62000 £, and about 20000 £ to Sir David Cunningham, and Master Smithsby, in satisfaction of some old, and new Debts, made upon the
score

score of King *James*, and the late King, and so hedged in by the advantage of necessity, which seldom makes good bargaines: These Assignments made upon the Rents to come, it was easie to move the King to require the Farmers to give their Bonds, and being indifferent to them, to whom they paid their Rent, it was as easie with them to grant it.

Why those men that made their owne bargaines should so far forget the Brocage of their own advantages, as now to fall with all violences of the Law, upon the Farmers, even to Statutes of Bankrupt, intended for Rogues, and cheaters, and which in this case, in all Nations but this, would admit of equity, and pity, I cannot but wonder, certainly they may suspect a scrutiny to be dangerous, and therefore presse vio'ently for their satisfaction, lest a Delinquency, which is more due to them then to the Farmers, might hazard their debt.

obj But I have heard one say; What if these Debts be two hundred thousand pounds, shall such a summe sinke Gentlemen of such value, and credit? it hath been credibly reported, that they have got double the summe by the Farmes aforesaid.

Ans. This will soone be answered, when you observe the series of this story: What was gotten by the Farmes, was gotten in times of vast plenty, and consumption, when our Ships were the Forts of Sea, and Land, and our Ports the Magazines of Trade, and this was the first seventeen yeares of the late King, and those gaines were shared into great parcels by Sir *John Wolffenholme senior*, and Sir *Abraham Daves*,

both dead before the Parliament, and the first, no Partner in this Comraſt, and the laſt of no uſe, for Sir *Thomas Dames* pleads the Executors plea, will receive, not pay. And Sir *Paul Pindar*, and Sir *Iohn Iacob*, you may gueſſe, could not come off for leſſe then threeſcore thouſand pounds, for their parts of the Compoſition aforeſaid, and in ſeventeen yeares as a man gets, he loſeth, and ſpendeth by increaſe of Family, eſpecially in yeares of his proſperity. So that Sir *Paul Pindar*, and Sir *Iohn Iacob* cannot be thought ſo ſtrong as to beare halfe ſuch a burthen, and for other helps which may be in Sir *Iob Harby*, Sir *Nicholas Criſp*, and alſo Sir *Iohn Nulls*, the world knowes their loſſes, and I know they are undone for two yeares ſervice, in which they have yet loſt (beſides theſe Debts) above ten thouſand pound a man, and are now alſo to joyne in the Compoſition of ſix ſhillings eight pence offered to the Creditors.

Obj. Then I heard another ſay, that ſix ſhillings eight pence in the pound, now offer'd for the Compoſition, was no way worthy of ſuch men; It is ſuppoſed that Sir *Paul Pindar* dyed worth at leaſt one hundred and fifty thouſand pounds good Eſtate, which ſhould contribute to thoſe Debts; that Sir *Iohn Iacob* hath two thouſand pound a yeare Land, & hath received his Rents all this while, without apparent loſſes.

Anſ. Firſt give me leave to tell him, that this is not offered as a Compoſition of the whole Debt, the remainder is transferred, both principall, and intereſt, upon the expectation of a future ſatisfaction from the State, wherein the Farmers have as great ſhares,

(29)
shares, and stocks as all the Creditors, and neither
the one, nor the other had been now in hazard, had
the Creditors stood to the Farmers, according to
their subscriptions, and promises in the late oppor-
tunity they had, both to serve the State, and save
themselves. And for the value of dead mens Estates,
I am no Conjuror, but I find Master Toomes, Sir Pauls
Executor, a Spirit that is not easily laid, nor ruled,
and keeps to his old Plea, receive, but pay nothing.
For what concernes my selfe, they reckon without
booke, that ballance other mens Estates, therefore
you shall give me leave to doe it my selfe, wherein I
will confesse above your knowledge, with that inte-
grity as becomes the honour, and honesty of him that
is as a dying man, in his Estate, and Fortune, and
ought not to dissemble with God, who can punish in
another world, where the only hope remaines of his
felicity.

I must confesse then, that at the beginning of that
Parliament, I had by descent, and acquisition at the
least three thousand pound *per annum*, good Rents, out
of which foure hundred pound *per annum* was set out
for my Mothers Jointure, who yet lives, and enjoyes
it.

I had in Offices in the Custome-house, being Cu-
stomer of *London* (the only legall, and ancient Office)
and as Collector of the Pretermitted Customes, and
of the Impost of Tobacco, all for two lives, and
worth at the least eight hundred pounds *per annum*.

I had, and yet have in the stocke of the Farmes—

————— 10000 ₤

I had in Sir *Paul Pindars* hands, on the accompt of the
 Farmes ————— 15000 ^{ss}
 I had due to me upon the Accompt of the Preter-
 mitted Customes, taken away by Parliament, the
 tenth of *August*, 1641 ————— 7500 ^{ss}
 I had in good Debts, Plate, and Jewels, to the value
 of ————— 20000 ^{ss}

This seemes a faire foundation, had not the Deluge
 shaken the Frame of the whole World ; But you
 shall see, how Riches have wings.

The first breach upon me, was, when the floods
 went highest, the Composition to the Parliament,
 which swept away for my part — 30064 — 10 — 10
 Of this, as I said before, I paid in money, and by dis-
 charge of some Bonds ————— 15000 ^{ss}
 The rest was in Sir *Paul Pindars* hands, to cleare the
 said Composition, but is now disputed by Mr *Toomes*,
 upon pretence of Tallyes, and other Accompts since
 fallen into difference between him, and me: but ought
 justly to goe in part of the Composition afore, and
 is therefore so charged ————— 30064 — 10 — 10

The next is a Fine, invented for dead mens faults,
 of dangerous consequence, yet it being found that my
 Father was a Partner in the Farmes from *primo* to
tertio Caroli, I was forced to pay to an halfpenny —

————— 1354 — 7 — 2 — ob
 Then for my composition in the two years Farmes —

————— 1500 — 0 — 0 —

Then my Stocke in the Farme yet lost —

————— 10000 — 0 — 0 —

Since

Since which, I have paid as part of the late Kings ^{Quarre} Debts, to severall persons, to avoid clamour, and the ^{Calendini} danger of imprisonment, and to take off some Ex- ^{Accomp} tents upon my Lands, as *per* Accompt, at the least—

—————14000 £
I have lost ready money lent to my Lord *Goring*, whose Estate is since melted by the heate of these times —————5500 £

Then began the practice of Haberdashers Hall, where I was set at 2000 £ for 5th and 20th Part, but alledging that I was worth nothing, by reason of the said Kings Debts; The Committee asked me, whether I made the King a Bankrupt, and whether I valued the Publick Faith at nothing? I replied, as befitted that place, and as a favour, I was reduced to 1500 which I paid —————1500 £

Then the Parliament having intercepted a Letter from Mrs *Seymer* at *Oxford*, then written to Sir *Paul Pinder* for the interest of 5000 £ in our hands, she was the next morning made a Delinquent, and the Farmers residing here were summoned to pay this 5000 £ to the House, and we demanding the Bond, they replied, That an Ordinance of Parliament should secure us against her Bond: We disputed it awhile with all civility to them, but they making many threats upon us, and sequestering our Estates, we at last submitted to pay our parts, which they computing, divided into seven shares, I condescended to pay mine, upon which the Sequestrations were taken off, and though now (she being come to demand her money) I find I was not bound, yet it cost me—

—————714 — 0 — 0 —

About this time (having a house in the City) I paid
the fifty Subsidies ————— 300 — 0 — 0 —

Then for the *Scots* busines I paid — 200 — 0 — 0 —

Next for *Ireland* ————— 100 — 0 — 0 —

The debt on the Preretmitted Customes was lost in
1641 ————— 7500 — 0 — 0 —

Then in 1648, my Offices (as aforesaid) which were
under the Great Seale of *England*, for two lives, for
which I would not have taken — 6000 £

Then in good Debts due from severall persons,
whose Estates are made incapable by Parliament,
and those unhappy accidents, I have lost, as I will
make it appear (besides what is above charged) at the
least ————— 10000 £

————— £ — s — d —

All which you wil find to be 88832 — 18 — 0 — ob

Here I reckon no Farmes, nor any Debt due there-
upon, except my Stocke, and money paid to the Cre-
ditors (which yet is lost) though I could tell you of
above 50000 £ due from the late King amongst us,
for defalcations, and other demands; neither doe I
charge here any quarterings, Taxes, or other publick
payments, which I will make appeare doe amount
unto 6000 £, neither is here any estimate of any
profit expectant of the Farmes, as the Contract for
four yeares, the Sugar Farme for sixteen yeares, all
which would much inflate the reckoning; but being
contingencies are not valued, now tell me, what is Sir
John Jacob worth?

But

But I heare one say, that though these losses are indeed great, yet Sir *Iohn Jacob* hath kept his Lands, and the profits thereof all this while.

I shall ingenuously confesse, that with much adoe, I have kept some, but those extended, and incumbered for many of the said Debts, the Creditors whereof finding a reall Estate, have perpetually put me to the defensive posture, though with great charge, and vexation : But I must also declare, that since the beginning of that Parliament, I have sold at the least 1400 *£ per annum*, for the supply of many occurring occasions, and to keep my liberty as long as I could. And have yet left about 1600 *per annum*, whereof my living Mother hath 400 *per annum*, forests 1200 *per annum*, whereof about 600 *per annum* is ferled long since for the payment of severall particular Debts, being yet due by the misfortune of these times to many of my friends, and kindred, many Widdowes, and Orphans, who then thought their Estates safe, and happy in my hands, and whom in honour, and honesty I ought to provide for : then remains but 600 *per annum* more, which must now goe to secure, and pay this Composition with the Creditors, which may amount unto for my part about 10 or 11000 *£*. Now tell me (Gentlemen) what is Sir *Iohn Jacob* worth ?

Perhaps some will say, he shall have 400 *per annum* after his Mothers decease : Truly it is not halfe so much as his Father left him, nor lesse then his left him in *Cambridge* shire, where I drew my first breath, *Cambridge* and after thirty five yeares action upon the stage of this

this world, in eminent employments, and credit, to have such a *recessus ad principium*; *durus sermo*; but I wish you could tell, how he, his wife, and nine children growne in this his wasting, shall live in the interim. *Charitas laudatur, at alget.*

Doe you not see how I am undone? what oppressions have overwhelmed me, and my Estate? what injustices occasioned by the distemper of the times? will not that doe? Then consider; you see no deceits, no fallacies, no frauds, no building, no buying, no trading, no drabbing, no dicing with your monies; you see the considerations of their Contract, which should have paid you, taken away by power; bargaines nulled; promises broke; Publike Faith frustrate; you see the turnes of State; Government alter'd; Kings, and Kingdomes arraigned, condemned, and executed; you see in fine, wonderfull judgments, wonderfull successes, wonderfull alterations: and what you may yet see, God knowes. Will not this doe? then consider, *Hodie mihi, cras tibi.*

This I have sent you, to let you see the injury of opinion, and to convert ingenuous minds, and perhaps to operate upon the unbiassed conscience of honest men. And here I thought to have ended; but I heard that one lately said in company (speaking of the sad condition of my selfe, and Partners) that there was little pitty due to those that lent the late King money to keep off Parliaments, and so in effect, were the Authors of these late Wars: Truly that Gentleman might observe, that the King had five Parliaments in seventeen yeares; That he lost rather then wanted

wanted the opportunity of his owne happinesse : And I will as truly tell him, that in all his Raigne, upon any Accompt made up by the Auditors, which are yet Records, there was never above forty thousand pounds due above the Rent, and many times lesse, which was a small summe to stocke a Warre ; It is also as true in 1638, there were generall loanes from all Officers, and relations to the King, and the Farmers renewing their Grants with additionall Partners, there was an advance made of some considerable summe ; And in *anno* 1640, these Debts were contracted, by which it afterwards appeared, the King had made some provisions of Warre, which the Parliament recovered, and made great use of ; but to say the Farmers had any Personall Designs, were to make them of the Councell of State, which is no lesse then to make us all so, that now pay Taxes : Besides, if the Farmers credit had been so prodigious, it might have prevented the Ship-money, and many other Projects, which, if the parties had not had better lucke, might have proved more criminall, then the poore Farmers. But some may better steale, then others look on.

But another, he cryes, it is no matter, They got great Estates by Farming of the Customes, not due by Law, and therefore were justly punished. Truly, I will not enter into that question, whether due by Right, Custome, or Law, neither is it fit to dispute by what Law they are now due, they were ever received untill they were given by Law, they cannot be spared though there be no Law.

C

But

But because I am in, I must intreat the ingenuous vulgar, to understand things by their right names, and in their proper termes, or else any man may easily receive, an unhappy character. There is an illegality, both materiall, and formal, such are the Actions, and Contracts as are against the Law of God, and man: These can never have a Law: There is an illegality materially so, which though there be no expresse caution by Statute to prohibit, yet those actions that fall under it, are either against some Morall Law, and so evill, or such as by our Law, cannot be made Legall, or they are against the summe, or intentions of our Lawes, and so evill to the Commonwealth, and so no Law ought to be made for their toleration. And then some Actions, and Contracts are only formally illegall, as being prohibited by Statute, or some rule of Law, though in its owne nature such, as but for that Law were legall: Now, I desire that Gentleman to tell me whether the Farming, and receiving the said Customes, were illegall materially, then no Ordinance, or Law ought to be made to tolerate them, if formally, then shew me any Statute before to prohibit them; then tell me how the Farmers were justly punished, for no Law (I thinke) can speake untill it be borne, neither should justice looks back to punish any action elder then the Law, which only makes it punishable, because illegall, and that but formally, because the Law declares it such; and where there is no Law, there is no transgression: But this seemes *avindictarum postulatio*, out of date, *volenti non fit injuria*. We submitted then, and so must

must yet, to be undone in a crowd, and to be subject to the oppression of all censures, the violences of all Lawes, and the losse of all Estates, Liberty, and reputation, unlesse God worke even miraculously upon the multitude, into whose hands he hath delivered us, or graciously upon the spirit of his Highnesse, into whose protection he hath cast us, and in whom only under God, we have our hope, in due time for some reparation, or restauration of our poore Estates, when God shall settle him in peace, and safety, for the honour, and prosperity of this Commonwealth.

Et sic animum liberavi——

——*Congregat quispiam, sed nescit quis recepturus.*

FINIS.
